

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal Action No. 3:04-cr-00092-7</b>
	)	
<b>v.</b>	)	<b>§ 2255 FINAL ORDER</b>
	)	
<b>DIJON TIMMONS</b>	)	<b>By: Hon. Norman K. Moon</b>
	)	<b>United States District Judge</b>

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss (Dkt. No. 357) is **GRANTED** and Timmons' motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (Dkt No. 320), is hereby **DISMISSED**. This action shall be **STRICKEN** from the active docket of the court.

Further, finding that Timmons has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a Certificate of Appealability is **DENIED**.

The Clerk of the Court is directed to send copies of this order and the accompanying memorandum opinion to the parties.

**ENTER:** This 13<sup>th</sup> day of June, 2011.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE